

EV827060588US

-2005  
1-0021  
IERCE

U.S. F. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information if it does not display a valid OMB control number.

|   |   |  |
|---|---|--|
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>   |   | ATTORNEY'S DOCKET NUMBER<br><b>RD 443</b>                            |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/GB03/05310</b>  | INTERNATIONAL FILING DATE<br><b>(05.12.2003) 05 DECEMBER 2003</b> | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><b>10/538,516</b> |
| PRIORITY DATE CLAIMED<br><b>(11.12.2002) 11 DECEMBER 2002</b>   |   |  |
| TITLE OF INVENTION<br><b>IMPROVEMENTS RELATING TO SMOKING ARTICLES</b>  |   |  |
| APPLICANT(S) FOR DO/EO/US<br><b>WOODS, Debra Demeter</b>  |   |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:   |   |  |
| <p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> |   |  |
| Items 11 to 20 below concern document(s) or information included:   |   |  |
| <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>   |   |  |

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |   |                                    |
|---|---|------------------------------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br>10/538,516 | INTERNATIONAL APPLICATION NO.<br>PCT/GB03/05310 | ATTORNEY'S DOCKET NUMBER<br>RD 443 |
|---|---|------------------------------------|

## 20. Other items or information:

RETURN POSTCARD

|   |              |   |         |                              |              |
|---|--------------|---|---------|------------------------------|--------------|
| The following fees have been submitted  |              |   |         | CALCULATIONS                 | PTO USE ONLY |
| 21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300  |              |   |         | \$                           |              |
| 22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))  |              |   |         | \$                           |              |
| If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0<br>All other situations..... \$200  |              |   |         | \$                           |              |
| 23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))<br>If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0<br>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100<br>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400<br>All other situations..... \$500 |              |   |         | \$                           |              |
| <b>TOTAL OF 21, 22 and 23 =</b>   |              |   |         | \$                           |              |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)).<br>The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |              |   |         | \$                           |              |
| Total Sheets  | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE    | \$                           |              |
| - 100 =   | /50 =        |   | x \$250 | \$                           |              |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).   |              |   |         | \$                           |              |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  | RATE    | \$                           |              |
| Total claims  | 30           | - 20 = 10   | x \$ 50 | \$ 500.00                    |              |
| Independent claims  |              | - 3 =   | x \$200 | \$                           |              |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |   |         | + \$360                      | \$           |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |   |         | \$ 500.00                    |              |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.  |              |   |         | \$                           |              |
|   |              |   |         | <b>SUBTOTAL =</b>            | \$ 500.00    |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).   |              |   |         | + \$ 130.00                  |              |
|   |              |   |         | <b>TOTAL NATIONAL FEE =</b>  | \$ 630.00    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property  |              |   |         | + \$                         |              |
|   |              |   |         | <b>TOTAL FEES ENCLOSED =</b> | \$ 630.00    |
|   |              |   |         | Amount to be refunded:       | \$           |
|   |              |   |         | Amount to be charged         | \$           |

08/14/2006 MKAYPAGH 00000102 10538516

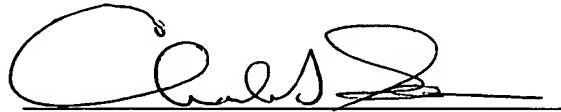
01 FC:1615  
02 FC:1617500.00 OP  
130.00 OP

- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.**

SEND ALL CORRESPONDENCE TO:

Charles I. Sherman  
Middleton Reutlinger  
2500 Brown & Williamson Tower  
Louisville, KY 40202 USA



SIGNATURE  
Charles I. Sherman  
NAME  
22,998  
REGISTRATION NUMBER

THE UNITED STATES PATENT AND TRADEMARK OFFICE  
under 35 USC 371 as DO/EO/US

IN RE APPLICATION OF: )  
Woods )  
Serial No. 10/538,516 (PCT/GB03/05310) )  
Title: Improvements Relating to Smoking )  
Articles )  
Filed: 09 June 2005 )  
International Filing Date: 05 December 2003 )  
Priority Date: 11 December 2002 )

---

COMMISSIONER FOR PATENTS  
Mail Stop PCT, ATTN: DO/EO/US  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER**  
**35 USC §371**

Dear Sirs:

Responsive to the Notification of Insufficient Fees under 35 USC §371 in the United States Designated/Elected Office (DO/EO/US), having a mailing date of 02 August 2006, Applicant's Attorney is submitting the required documentation to comply with 35 USC §371. Applicant's Attorney is also submitting the Declaration form that was included originally in the PCT Request when it was initially filed on 05 December 2003.

Enclosed are the following documents:

1. Copy of Notification of Insufficient Fees;
2. Declaration of Inventorship Form under 4.17(iv) from PCT Request (page 6), including supplemental Application Data Sheet;
3. Credit Card Payment Form; and,
4. Return Postcard.

Respectfully submitted,



Charles I. Sherman, Reg. No. 22,998  
MIDDLETON REUTLINGER  
2500 Brown & Williamson Tower  
Louisville, KY 40202  
(502) 625-2745

Date: August 8, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/538,516                  | Debra Demeter Woods   | RD 443           |

27868  
 JOHN F. SALAZAR  
 MIDDLETON & REUTLINGER  
 2500 BROWN & WILLIAMSON TOWER  
 LOUISVILLE, KY 40202

INTERNATIONAL APPLICATION NO.

PCT/GB03/05310

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
| 12/05/2003       | 12/11/2002    |

CONFIRMATION NO. 3146

371 FORMALITIES LETTER



\*OC000000019852760\*

*Jalit*

Date Mailed: 08/02/2006

**Notification of Insufficient Fees (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/09/2005
- Copy of the International Search Report filed on 06/09/2005
- Preliminary Amendments filed on 06/09/2005
- Oath or Declaration filed on 06/09/2005
- U.S. Basic National Fees filed on 06/09/2005
- Specification filed on 06/09/2005
- Claims filed on 06/09/2005
- Abstracts filed on 06/09/2005
- Drawings filed on 06/09/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$500** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$500** for a Large Entity:

- Total additional claim fee(s) for this application is **\$ 500**

- **\$500** for 10 total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE**

**DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

---

Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

---

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/538,516                  | PCT/GB03/05310                | RD 443           |

FORM PCT/DO/EO/923 (371 Formalities Notice)

---